

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

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JUICY COUTURE, INC.,

Plaintiff,

- against -

BELLA INTERNATIONAL, LTD, a/k/a/
BELLA (d/b/a JUICY GIRL and
JUICYLICIOUS); *et al.*,

Defendants.
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Civil Action No. 12-05801 (RA)(HBP)

**DECLARATION OF
CRAIG SAMUELSON**

CRAIG SAMUELSON hereby declares as follows:

1. I am a Managing Director (International) of Juicy Couture, Inc., the Plaintiff in this action (“Juicy Couture”). I have been associated with Juicy Couture for over four years and have occupied my present position since March 10, 2008. I am authorized by Juicy Couture to make this statement on its behalf. Unless otherwise stated, the facts and matters referred to in this statement are within my personal knowledge, or are based on information gleaned from documents and records of Juicy Couture to which I have access, and are true to the best of my knowledge, information and belief.

2. Juicy Couture is based in Los Angeles, California and was founded by Pamela Skaist-Levy and Gela Nash-Taylor. In 1997, the company came to be known as Juicy Couture.



3. Juicy Couture is the owner of the entire right, title and interest in and to a number of federally registered trademarks including but not limited to JUICY, JUICY COUTURE, JUICY GIRL, CHOOSE JUICY, JUICY BABY, and BORN IN THE GLAMOROUS USA. A list of these registered marks, along with their dates of registration and the classes of goods and services for which they are registered, is appended hereto as Exhibit A.

4. All of the registrations in Exhibit A are valid, subsisting, unrevoked and uncanceled. Juicy Couture also owns common law rights in these and other marks for use in connection with apparel and related accessories, retail store services and online retail store services, including but not limited to the following designs:



Love
Juicy Couture **J&P**

The marks depicted herein, together and those referenced in Exhibit A, are collectively referred to as the “JUICY Marks.”

5. Juicy Couture’s signature pink --  -- is defined as the “spirit of the Juicy Couture brand” and is used in all facets of Juicy Couture’s marketing and retail presentation, as well as featured prominently in Juicy Couture’s product line. Third parties refer to this  hallmark of the Juicy Couture design house as Juicy Couture’s signature color.

6. Since at least as early as 1997, Juicy Couture has been using the JUICY Marks on and in connection with the advertising and sale of fashion apparel, as well as related accessories including handbags, shoes, intimates, swimwear, fragrance, accessories, jewelry, and sunglasses (“Juicy Couture Products”), throughout the United States and abroad.

7. Juicy Couture is known for its impact on women’s casual wear by introducing a “California casual lifestyle” to the world – an “irreverent, fun and on-trend lifestyle brand.” Juicy Couture is best known for its iconic tracksuit. Juicy Couture elevated the ordinary

tracksuit into a highly desirable fashion product by its distinctive design efforts and innovative use of fabrics not usually associated with tracksuits. These products are invariably embellished with glitzy graphics depicting Juicy Couture's brand and catch JUICY slogans and phrases.

8. Juicy Couture introduced its now iconic tracksuit in 2001 when it custom designed a JUICY COUTURE tracksuit for Madonna. The tracksuit has become Juicy Couture's signature piece and since then has been seen on many celebrities, including Jennifer Lopez, Britney Spears, Paris Hilton and Gwyneth Paltrow.

9. Juicy Couture has invested heavily in creating, maintaining and promoting the goodwill associated with the JUICY Marks. The company has spent hundreds of millions of dollars advertising and promoting goods and services offered in connection with the JUICY Marks throughout the United States and abroad in a variety of media. In addition to traditional advertising, Juicy Couture actively promotes its brand, the Juicy Couture Products, and the Juicy Marks through social media platforms such as Facebook, Twitter, YouTube, and Tumblr.

10. Juicy Couture and goods bearing the JUICY Marks have also been the subject of widespread unsolicited media coverage. The JUICY Marks have received significant attention and exposure due to their use by Hollywood celebrities, such as Jessica Biel, Eva Mendez, Ashton Kutcher, Madonna, Gwyneth Paltrow, Brad Pitt, Kate Moss, Ben Affleck, Sarah Jessica Parker, Cameron Diaz, Jessica Alba, Miley Cyrus, Colin Farrell, Halle Berry, Demi Moore, Reese Witherspoon, Drew Barrymore and Courtney Cox Arquette, among many others. Juicy Couture has also benefitted from publicity derived from actors wearing its products in popular television programs and motion pictures, such as Will and Grace, The Gilmore Girls, The OC, Friends, Sex and the City, Six Feet Under, Charlie's Angels Full Throttle, Kill Bill Volume 2, Legally Blonde 2 Red White & Blonde, and Anger Management. And Juicy Couture Products

have appeared in a wide variety of high-profile publications such as *Elle*, *Glamour*, *InStyle*, *Vogue*, *W*, *The New York Times*, *NY Post*, *The Los Angeles Times*, *LA Magazine* and *The Boston Globe*, among many others.

11. Juicy Couture's collections are sold in JUICY COUTURE boutiques throughout the world with over 800 specialty stores and over 280 department stores in the United States, including Barney's, Bloomingdale's, Bergdorf Goodman, Neiman Marcus, Saks Fifth Avenue and Henri Bendel. The company also owns its own JUICY COUTURE stores, and an online retail store at www.juicycouture.com. Products bearing the JUICY Marks have generated billions of dollars in sales over the years; with over \$1.5 billion dollars in sales 2009 – 2011.

12. Juicy Couture maintains strict quality control standards for all of its Juicy Couture Products. As a result of its dedication to quality -- and Juicy Couture's extensive sales, advertising and promotional efforts -- the JUICY Marks have earned valuable goodwill and are favorably recognized and relied upon by the fashion trade and the public as indicating high quality goods and services originating exclusively from Juicy Couture.

13. Unfortunately, the success of Juicy Couture and popularity of Juicy Couture Products has attracted opportunists seeking to capitalize on the fame of the JUICY Marks. To protect the goodwill it has worked so hard to establish, Juicy Couture actively enforces the JUICY Marks. Juicy Couture works with investigators, law enforcement and Customs officials in the United States and abroad and also enforces its valuable intellectual property through civil litigation.

14. The JUICY Marks are among Juicy Couture's most important and valuable assets, as they have become strong and distinctive source indicators, entitled to protection against unfair and infringing uses. Juicy Couture's continuous and broad use of the JUICY Marks on

Juicy Couture Products has expanded Juicy Couture’s renown and enabled these marks to achieve celebrity in the fashion industry and among the general public.

15. As demonstrated by the following representative images from the footnoted URLs, the defendants in this action appear to offer for sale apparel and accessories similar to Juicy Couture apparel, and use elements associated with Juicy Couture’s promotion of its goods, including the signature pink color of its graphics, heart-shaped motifs, and other signature Juicy Couture marketing elements:

Juicy Couture	Juicy Girl
<i>Sunset Boulevard & Palm Trees</i>	
	

¹ http://www.juicycouture.com/Juicy-Couture-Spring-2012-Campaign/springcampaign2012,zh_HK,pg.html

² http://www.juicygirl.com.hk/en/style_book_details.php?id=14&page=8

Tartan



3



4

Kisses



5



6

³ <http://www.fashionfame.com/wp-content/uploads/2011/08/juicy-couture-fall-2011-collection.jpeg>

⁴ http://www.juicygirl.com.hk/en/style_book_details.php?id=7&page=7

⁵ http://ny.racked.com/uploads/2009_01_juicykiss.jpg

⁶ http://www.juicygirl.com.hk/en/style_book_details.php?id=6&page=16

"Juicylicious"



Tartan & Graffiti

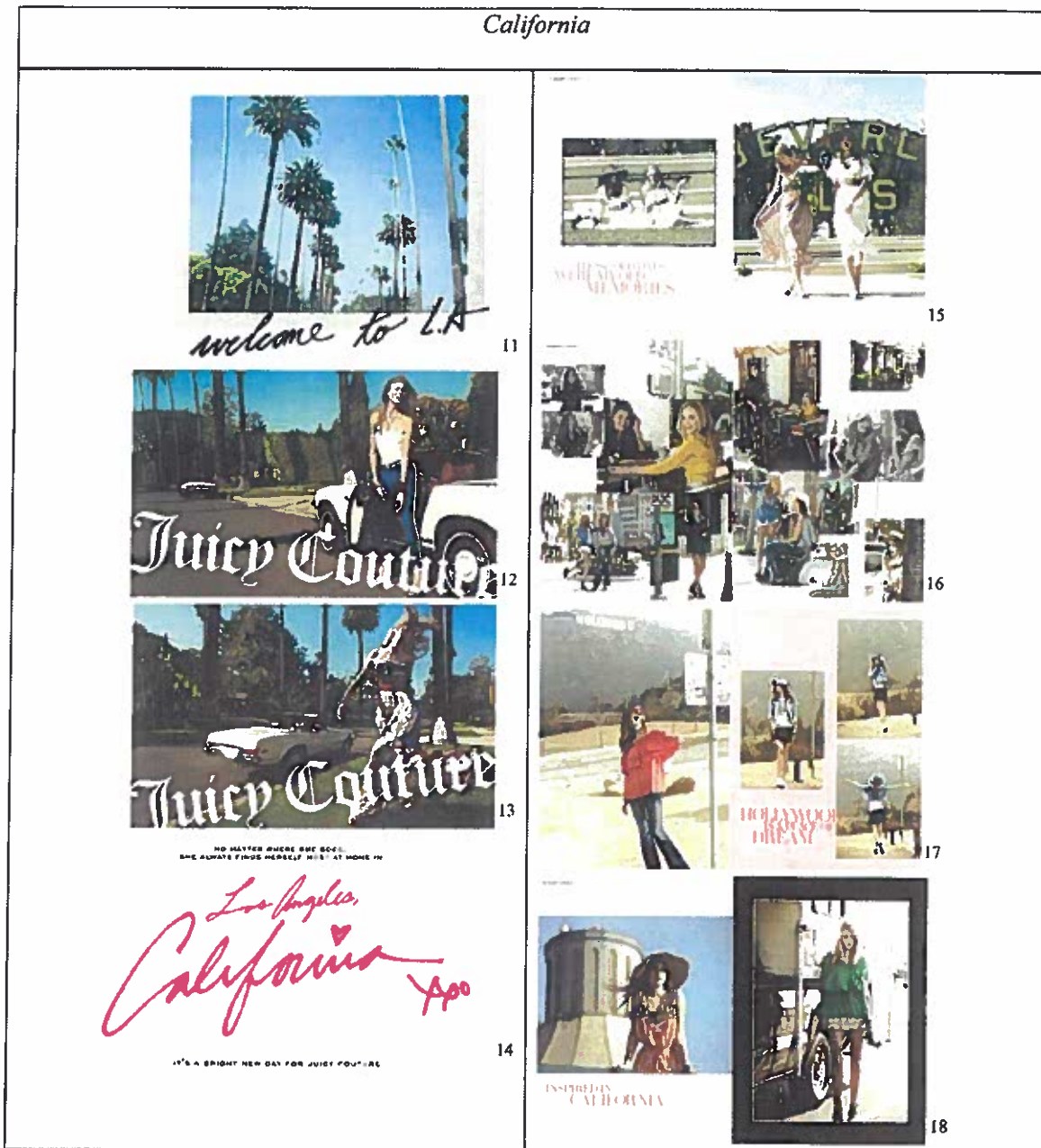


⁷ http://lepug.com/wp-content/uploads/2010/02/juicy_spring2010.jpg

⁸ <http://www.juicylicious.us>

⁹ <http://fashionmogul.files.wordpress.com/2009/08/juicy-couture-ad.jpg?w=655>

¹⁰ http://www.juicygirl.com.hk/en/style_book_details.php?id=13&page=19



- ¹¹ http://www.juicycouture.com/Juicy-Couture-Spring-2012-Campaign/springcampaign2012,zh_HK,pg.html
- ¹² http://www.juicycouture.com/Juicy-Couture-Spring-2012-Campaign/springcampaign2012,zh_HK,pg.html
- ¹³ http://www.juicycouture.com/Juicy-Couture-Spring-2012-Campaign/springcampaign2012,zh_HK,pg.html
- ¹⁴ http://www.juicygirl.com.hk/en/style_book_details.php?id=14&page=6
- ¹⁵ http://www.juicygirl.com.hk/en/style_book_details.php?id=14&page=11
- ¹⁶ http://www.juicygirl.com.hk/en/style_book_details.php?id=14&page=4
- ¹⁷ http://www.juicygirl.com.hk/en/style_book_details.php?id=14&page=17

Pink & White Backdrop



19



20

Oversized Sunglasses



21



22

¹⁹ <http://www.imaginex.com.hk/index.php/flash-news-1/50-couture-is-here-party>

²⁰ http://www.juicygirl.com.hk/en/style_book_details.php?id=7&page=24

²¹ <http://dustyburrito.blogspot.com/2009/08/tim-walker-for-juicy-couture.html>

²² http://www.juicygirl.com.hk/en/style_book_details.php?id=13&page=13



²³ <http://specialbrew-er.blogspot.com/2010/12/more-of-what-i-want-for-christmas.html>

²⁴ http://www.juicygirl.com.hk/en/style_book_details.php?id=7&page=2

²⁵ http://www.juicygirl.com.hk/en/style_book_details.php?id=13&page=14



16. The activities of the defendants in this action to intentionally trade upon the fame

of the JUICY Marks and marketing in their sale of competing goods greatly harms the Juicy

²⁶ http://1.bp.blogspot.com/_Cs_Cr6e5vWw/TRKrtXJlx4I/AAAAAABCqI/drXJ8g9j3LU/s1600/juicy.jpg

²⁷ <http://cdn.buzznet.com/assets/users16/martinasatoriova/default/juicy-couture-fall-2011-ad--large-msg-131020072153.jpg>

²⁸ http://3.bp.blogspot.com/_7yqWRHRaihk/SoLPcXFIRuI/AAAAAADNk/3-TkvpDSa34/s400/juicy_couture_ad_campaign_2009_2010.jpg

²⁹ http://www.juicygirl.com.hk/en/style_book_details.php?id=6&page=14

³⁰ http://www.juicygirl.com.hk/en/style_book_details.php?id=6&page=17

³¹ http://www.juicygirl.com.hk/en/style_book_details.php?id=6&page=15

Couture brand. It is imperative that these activities be stopped or consumers will continue to be deceived and the distinctiveness of the JUICY Marks and associated goodwill will be irreparably damaged.

I declare the foregoing to be true under penalty of perjury.

Executed in New York, New York, this 22ND day of August, 2012.



Craig Samuelson